

UNITED STATES DISTRICT COURT

Eastern District of California

UNITED STATES OF AMERICA

v.

PATRICK M. SULLIVAN**JUDGMENT IN A CRIMINAL CASE**Case Number: **6:21-mj-00007**

Defendant's Attorney: Carol Moses, Appointed

THE DEFENDANT:

- ☒ pleaded guilty to count 7 of the Complaint.
☐ pleaded nolo contendere to count(s) , which was accepted by the court.
☐ was found guilty on count(s) after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
36 CFR § 4.2; incorporating CVC § 23013.5(a)	Drive recklessly upon a highway in willful or wanton disregard for the safety of persons or property where alcohol was a factor	3/27/2021	7

The defendant is sentenced as provided in pages 2 through of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☒ Count 2 - DEJ (Deferred Entry of Judgment) .
☒ Counts 1, 3, 4, 5, and 6 are dismissed on the motion of the United States.
☐ Indictment is to be dismissed by District Court on motion of the United States.
☐ Appeal rights given. ☒ Appeal rights waived.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution or fine, the defendant must notify the court and United States attorney of material changes in economic circumstances.

12/15/2021

Date of Imposition of Judgment



Signature of Judicial Officer

Helena M. Barch-Kuchta, United States Magistrate Judge

Name & Title of Judicial Officer

12/22/2021

Date

PROBATION

The defendant is hereby sentenced to probation for a term of: 12 months SUPERVISED followed by 24 months UNSUPERVISED .

If this judgment imposes a fine, special assessment, processing fee or restitution, it is a condition of probation that defendant pay in accordance with the Schedule of Payments sheet of this judgment.

While on probation, the defendant shall be subject to and must comply with the following conditions of probation:

CONDITIONS OF PROBATION

1. The defendant is ordered to obey all federal, state, and local laws.
2. The defendant shall notify the court and, if represented by counsel, your counsel of any change of address and contact number.
3. The defendant shall pay a fine of \$730.00 and a special assessment of \$20 for a total financial obligation of \$750.00. The first \$375.00 is due by 9/15/2022 and the second \$375.00 is due 6/15/2023 Payments shall be made payable to the Clerk, U.S.D.C., and mailed to:

CLERK U.S.D.C.
2500 Tulare Street, Rm 1501
Fresno, CA 93721

4. The defendant shall cooperate in the collection of DNA as directed by the probation officer and shall comply with the standard conditions which have been recommended by the United States Sentencing Commission and adopted by this Court. The defendant shall submit to one drug test within 15 days of placement on probation.
5. The defendant is ordered to personally appear for three Probation Review Hearings on 12/13/2022, 12/12/2023 and 10/15/2024, all hearings at 10:00 am before U.S. Magistrate Judge Helena Barch-Kuchta.

A status report regarding the Defendant's performance on probation shall be filed 14 days prior to the 2nd and 3rd Probation Review Hearings. The 1st report will be filed by the probation office. Prior only to the final Review Hearing, if defendant is in full compliance and the government agrees, defendant may move to vacate the final Review Hearing and early terminate probation.

6. While on probation, The defendant shall refrain from any unlawful use of a controlled substance and shall not consume any alcohol or have alcohol in the home.
7. The defendant shall not commit another federal, state, or local crime, and shall not illegally possess controlled substances.
8. The defendant shall submit to the search of his person, property, home, and vehicle by a United States probation officer, or any other authorized person under the immediate and personal supervision of the probation officer, based upon reasonable suspicion, without a search warrant. Failure to submit to a search may be grounds for revocation. The defendant shall warn any other residents that the premises may be subject to searches pursuant to this condition.
9. The defendant shall advise the court and Government Officer through Counsel, if represented, within seven days of being cited or arrested for any alleged violation of law.
10. As directed by the probation officer, the defendant shall participate in an outpatient treatment program to obtain assistance for alcohol abuse.
11. The defendant shall abstain from the use or possession of any controlled substance unless prescribed for defendant's use by a Licensed Medical Doctor who is advised in writing of this condition of probation. The defendant shall not frequent places where controlled substances are illegally sold, used, distributed or administered.
12. As directed by the probation officer, the defendant shall participate in a program of testing (i.e., breath, urine, sweat patch, etc.) to determine if he has reverted to the use of alcohol.
13. If determined by the probation officer, the defendant shall participate in a program of outpatient mental health treatment.
14. The defendant shall participate in a co-payment plan for treatment or testing and shall make payment directly to the vendor under contract with the United States Probation Office not to exceed \$25 per month.
15. Th probation is ordered to conduct one unannounced visit to the home during the probationary period.
16. The defendant shall attend the California Department of Motor Vehicle Wet and Reckless Alcohol Awareness course by 12/15/2022.

DEFENDANT: **PATRICK M. SULLIVAN**

Page 3 of 4

CASE NUMBER: **6:21-mj-00007**

17. The defendant shall abstain from the use of alcoholic beverages and shall not enter, visit, or be present at any place where alcohol is the chief item of sale.
18. The defendant is ordered not to enter or be present in any bars or other locations dedicated solely to the sale of alcohol
19. The defendant is ordered not to operate any motor vehicle with any detectable amount of alcohol in your system
20. The defendant shall complete 20 hours of community service. The defendant shall perform and complete the community service hours by 5/15/2023.

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A. ☒ Lump sum payment of \$ 375.00 due immediately 9/15/2022
☒ and \$375.00 due 6/15/2023, or
☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B. ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C. ☐ Payment in equal ____ (*e.g. weekly, monthly, quarterly*) installments of \$ ____ over a period of ____ (*e.g. months or years*), to commence ____ (*e.g. 30 or 60 days*) after the date of this judgment; or
- D. ☐ Payment in equal ____ (*e.g. weekly, monthly, quarterly*) installments of \$ ____ over a period of ____ (*e.g. months or years*), to commence ____ (*e.g. 30 or 60 days*) after release from imprisonment to a term of supervision; or
- E. ☐ Payment during the term of supervised release/probation will commence within ____ (*e.g. 30 or 60 days*) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F. ☒ Special instructions regarding the payment of criminal monetary penalties:
☒ **Payments must be made by Check or Money Order, payable to: Clerk, U.S.D.C. and mailed to:**
☒ CLERK U.S.D.C.
2500 Tulare Street, Rm 1501
Fresno, CA 93721
Your check or money order must indicate **your name and citation/case number** shown above to ensure your account is credited for payment received.

If incarcerated, payment of any unpaid criminal monetary penalties in this case is due during imprisonment at the rate of 10% of the defendant's gross income per month or \$25 per quarter, whichever is greater. Payment shall be made through the Bureau of Prisons Inmate Financial Responsibility Program.

The defendant shall make payments toward any unpaid criminal monetary penalties in this case during supervision at the rate of at least 10% of your gross monthly income. Payments are to commence no later than 60 days from placement on supervision. This payment schedule does not prohibit the United States from collecting through all available means any unpaid criminal monetary penalties at any time, as prescribed by law.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States: The Preliminary Order of Forfeiture is hereby made final as to this defendant and shall be incorporated into the Judgment.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVT A assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.